

ORDINANCE NO. Z-07-04-26-11B2

AN ORDINANCE OF THE CITY OF ROUND ROCK, TEXAS
AMENDING CHAPTER 11, SECTION 11.424(2), CODE OF
ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS,
AMENDING HOME OCCUPATION PROVISIONS; PROVIDING FOR
A SAVINGS CLAUSE; AND REPEALING CONFLICTING
ORDINANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND
ROCK, TEXAS:

I.

That Chapter 11, Section 11.424(2), Code of Ordinances (1995
Edition), City of Round Rock, Texas, is hereby amended to read as
follows:

11.424 ACCESSORY USES

(2) Home Occupation

(a) Definitions

- i. Bona Fide Residence – The principal address and primary residence of an occupant conducting a Home Occupation, as determined by one (1) of the following criteria: the registered homestead of the occupant, voter registration (precinct), address displayed on driver's license, or other state or federal registration documents identifying the principal address.
- ii. Home Occupation – Any occupation, profession, business or activity serving as an accessory use of a dwelling that constitutes all or some portion of the livelihood of a person or persons living in the dwelling and is conducted entirely within a dwelling unit or attached garage of the Bona Fide Residence of that person or persons.
- iii. Vehicle Trip – A single directional trip that has one origin and one destination regardless of the number of occupants in the vehicle.

(b) Home Occupation Limitations

- i. The Home Occupation shall be conducted entirely within a dwelling unit or attached garage which is the Bona Fide Residence of the practitioner(s).
- ii. No person other than a person or persons who reside in the dwelling unit may participate in a Home Occupation on the premises.
- iii. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with non-residential construction codes to accommodate the Home Occupation. No additional buildings or structures shall be added on the property to accommodate the Home

Occupation. This provision shall not prohibit the construction of an accessory building as permitted by a residential zoning district.

- iv. The Home Occupation shall not interfere with the use of the garage as a required parking space under this Code.
- v. No equipment, goods, supplies or materials associated with the Home Occupation shall be displayed or stored where visible from an abutting right of way or at the property line of an abutting property at a point six (6) feet above the finished grade.
- vi. The sale of merchandise directly to a customer on the premises shall be prohibited provided however, this provision shall not be construed to prohibit the following:
 - 1. Up to one "garage sale" every six (6) months.
 - 2. A service that involves the sale of a custom item made by the home occupant.
- vii. The Home Occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run off outside the dwelling unit or on the property surrounding the dwelling unit. Commercial repair of automobiles or engines and appliance repair shall not be permitted and storage of these items shall not be allowed on the premises.
- viii. The street address of the Home Occupation shall not be advertised through pamphlets, signs, billboards, television, radio, the internet, the phone book, newspapers or on vehicles.
- ix. A Home Occupation shall not generate more than twenty-four (24) single directional Vehicle Trips each day of customer-related vehicular traffic.
- x. Not more than two (2) customers shall be permitted to conduct business associated with the Home Occupation at one time, with the exception of daycare which allows six (6) children to be cared for at one time.
- xi. Organized events for the purpose of displaying or modeling articles for sale shall not be conducted at a home more than six (6) times per year.
- xii. Pursuant to Section 3.1400 of the Code, Home Occupations shall be permitted one (1) sign each, provided such sign shall be attached flatwise to the house and shall not exceed two (2) square feet in surface area.

(c) Remedies and Enforcement Power

Remedies and enforcement powers shall be as described in Section 11.700 of this Code.

II.

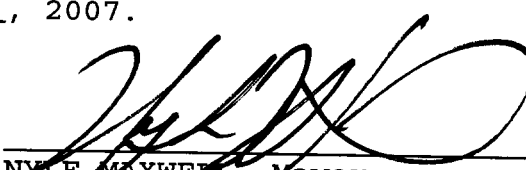
A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.


READ and APPROVED on first reading this the 12 day of April, 2007.

READ, APPROVED and ADOPTED on second reading this the 26 day of April, 2007.



NYLE MAXWELL, Mayor
City of Round Rock, Texas

ATTEST: .



CHRISTINE R. MARTINEZ, City Secretary

DATE: April 19, 2007

SUBJECT: City Council Meeting – April 26, 2007

ITEM: *11.B.2. Consider an ordinance amending Chapter 11, Section 11.424(2) of the City of Round Rock Code of Ordinances (1995 Edition), Home Occupation provisions. (Second Reading)

Department: Planning and Community Development

Staff Person: Jim Stendebach, Planning and Community Development Director

Justification:

The intent of the Home Occupation Ordinance is to allow a resident to operate a business out of a home. The Ordinance provides restrictions on the nature and operation of the business to ensure that the residential character of the home and residential nature of the neighborhood are maintained. While there is existing language concerning home occupations in the zoning ordinance, it was determined that several changes were necessary to clarify the language and make some changes so it would be possible for customers to visit a home in limited numbers.

Funding:

Cost: N/A
Source of funds: N/A

Outside Resources: N/A

Background Information:

The key changes to the Section 11.424(2) include:

- A definition of the term "BONA FIDE RESIDENCE", so that the location of the home occupation is also the primary residence of the occupant conducting the home occupation. Bona Fide Residence is now defined as "The principal address and primary residence of an occupant conducting a Home Occupation, as determined by one (1) of the following criteria: The registered homestead of the occupant, voter registration (precinct), address displayed on driver's license, or other state or federal registration documents identifying the principal address." This was added because it was determined that the existing language could allow for a person to purchase a residence for the sole purpose of operating a business out of it.
- Two (2) customers are permitted to conduct business at a home occupation at one time. Allowing customers to visit a home will generate limited traffic for uses that have historically been home occupations, such as music lessons and tutoring.
- The number of people conducting business at a home occupation in a day matches the existing allowance for daycare (6 children = 24 vehicle trips), so that there is a limit to the number of total vehicle trips that a home occupation will allow. Since daycare is allowed in a residential zoning district, matching the number of vehicle trips generated by daycare seemed to be a logical limit.

Public Comment:

Significant input was received in the development of this Section's revisions. The Home Occupation Ordinance was discussed at the City Council August 2006 retreat and with the Planning and Zoning Commission at the 2006 annual retreat. Public input was received on two (2) separate occasions from participants at the Mayor's Presidents Roundtable. These meetings consist of representatives from HOAs and Neighborhood Associations in the City. A public hearing was held at the March 14th Planning and Zoning Commission meeting.